

be waived only by the affirmative vote of those Senators present and voting. No debate shall be allowed on a motion to waive the application of this paragraph. No appeal from a ruling of the Chair under this paragraph shall negate its future application unless the Senate specifically amends this paragraph.

"3. All amendments to appropriations bills moved by direction of a committee having legislative jurisdiction of the subject matter proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received on a point of order made by any Senator.

"4. (a) Upon a point of order made by any Senator against a provision of legislation contained in an amendment to an appropriations bill, and if the point of order is sustained by the Chair, any such Senate amendment shall fall. This subparagraph may be waived only by the affirmative vote of those Senators present and voting. No debate shall be allowed on a motion to waive the application of this subparagraph. No appeal from a ruling of the Chair under this subparagraph shall negate its future application unless the Senate specifically amends this subparagraph.

"(b) No amendment not germane or relevant to the subject matter contained in the bill shall be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of germaneness or relevancy of amendments under this rule, when raised, shall be ruled upon by the Presiding Officer, unless the provisions of this subparagraph are waived by a majority of the Senate. All proceedings dealing with germaneness or relevancy shall be decided without debate; and any such amendment or restriction on appropriations bill may be laid on the table without prejudice to the bill.

"5. On a point of order made by any Senator, no amendment, the object of which is to provide for a private claim, shall be received to any appropriations bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

"6. When a point of order is made against any restriction on the expenditure of funds appropriated in an appropriations bill on the ground that the restriction violates this rule, the rule shall be construed strictly and, in case of doubt, in favor of the point of order.

"7. Every report on appropriations bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

"8. On a point of order made by any Senator, no appropriations bill or amendment thereto shall be received or considered if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

"9. A motion to proceed to an appropriations bill shall, when it is otherwise in order, be nondebatable.

"10. (a) When the Senate is considering a conference report or an amendment between Houses on an appropriations bill, upon a point of order being made by any Senator against any legislative provision or provisions extraneous to the provisions that were committed to conference in disagreement between the Houses, and if the point of order is sustained in whole or in part by the Chair, such legislative provision or provisions on such appropriations bill shall be stricken from the conference report or the amendment between Houses. Such point of order may be made notwithstanding the fact that another point of order under this paragraph has been made against the same conference report.

"(b) Matters to be considered extraneous are any significant legislative provision not addressed in either version of the bill committed to the conference or any appropriations bill not committed to the conference, but such legislative provision shall not be considered extraneous if it qualifies, limits, or authorizes spending contained in the bill. Any vetoed appropriations bill or modifications thereof shall not be considered extraneous nor shall any provision providing funds pursuant to an authorizing bill passed after the appropriations bill.

"(c) If any such point of order is sustained, such legislative material contained in such conference report or amendment between Houses shall be stricken, and the Senate shall proceed, without intervening action or motion, to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or amendment between Houses not so stricken. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subparagraph), no further amendment shall be in order. However, an amendment between Houses against which a point of order was sustained under this subparagraph shall if otherwise amendable, remain amendable.

"(d) This paragraph may be waived only by an affirmative vote of three-fifths of the Senators duly chosen and sworn. Debate on a motion to waive the provisions of this paragraph shall be limited to 2 hours. Any appeal from a ruling of the Chair under this paragraph shall require an affirmative vote of three-fifths of the Senators duly chosen and sworn to overturn such ruling of the Chair. No appeal from a ruling of the Chair under this paragraph shall negate its future application unless the Senate specifically amends this paragraph."

#### SENATE RESOLUTION 9—TO MAKE EFFECTIVE REAPPOINTMENT OF SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 9

*Resolved*, That the reappointment of Thomas B. Griffith to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 1999, and the term of service of the appointee shall expire at the end of the One Hundred Seventh Congress.

#### SENATE RESOLUTION 10—TO MAKE EFFECTIVE REAPPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 10

*Resolved*, That the reappointment of Morgan J. Frankel to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 1999, and the term of service of the appointee shall expire at the end of the One Hundred Seventh Congress.

#### ADDITIONAL STATEMENTS

##### FEDERAL VACANCIES REFORM ACT

• Mr. THOMPSON. Mr. President, the Federal Vacancies Reform Act was passed as part of the omnibus appropriations bill. As reported by the Governmental Affairs Committee, and as confirmed in all the statements made when the bill passed the Senate, section 3347 of that statute made clear that so-called vesting and delegation statutes allowing the heads of departments to delegate duties to other officials in their departments do not constitute statutes providing for the filling of a specific vacant position that the law retains in lieu of the procedures contained in the Federal Vacancies Reform Act. The vesting and delegation statutes were cross-referenced to not fall within the statutes that subparagraph (a)(2) of the bill retained. While that was the appropriate cross-reference as the bill was reported, subsequent language changes made to clarify the issue altered the numbering of the subsections, but the earlier cross-reference was retained. As is obvious by reading the statements and the statutory language itself, the clear intent was to state that vesting and delegation statutes fall not within subsection (a)(2), which relates to recess appointments, but to subsection (a)(1), statutes that provide for the temporary filling of specific positions. We will make a technical change to the language next year, as the urgency of the legislation sent this bill directly to the President for his signature without the chance to make that technical correction. There is no question that the vesting and delegation statutes do not constitute provisions for the temporary appointment of specific officers, even without the crossreference, which was designed to be even more emphatic. •

##### IN MEMORY OF KEITH PUTNAM

• Mr. HOLLINGS. Mr. President, today I want to call attention to a brave and selfless deed by a heroic young man from Hanahan, South Carolina. On August 6, 15-year-old Keith Putnam sacrificed his own life to save two women